



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,216	01/16/2002	Bert Peeters	111353	4400
27074	7590	05/08/2006	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			ROHWER, JACOB P	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/046,216

Applicant(s)

PEETERS, BERT

Examiner

Jacob P. Rohwer

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Note 1 Below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.



**MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER**

Note 1: In response to the after final amendment filed on 24 of April 2006, a telephonic interview was conducted on 2 May 2006 to further establish examiners position with regard to the White reference used in the current rejection and the interpretation of the claimed "printing system" as specified in the current submitted claims. In response to the arguments presented in the after final, examiner notes that the disagreements were discussed in the interview while referencing the arguments presented in the after final. However a brief summary of points discussed in regard to the current application and the reference White will be summarized below.

To begin with, applicant argues that examiner fails to respond to various points argued prior to the final rejection. In response, it is noted that the arguments are mostly directed towards network transmissions supposedly required in White, in regards to generating and authorizing the billing data. For example, applicant argues that White relies upon network connections between the printer device 12 and billing manager 4 as disclosed in Fig 1. Furthermore, applicant argues that the current invention provides a "billing module that is a hardware or software component that may be implemented on-board" (Pg 4 Lin 16-17) and "the invention allows for generating bills locally by the printer so that there is no need to send product usage information from the printing system to the billing service and to send back a bill from the billing service to the printing system." (Pg 4 Lin 20-23) These arguments, as discussed in the interview, are based on the interpretation of the "printing system" specified in the current claims, as being a stand-alone device without network connections. Examiner further reemphasizes that the limitation of the printing system being a stand-alone device is not specified in independent claim 1 or any further dependent claims, and nowhere in the specification of the current application is the scope of the printing system claimed strictly limited to a stand-alone device that includes the billing manager (as disclosed in White) as an on-board software or hardware program. For example the word "may" is used (Pg 4 lin 16). As a result it is found that White, as disclosed in Fig 1, specifies a printing system including the printer device 12 and the billing manager 4, is capable of generating a bill and allowing the user to authorize the bill (White Para [0024]), and then once authorization is received, the billing information is sent to a back-end billing service. (Fig 1 #8 and #10, Para [0025]). This disclosure reads on the claims as submitted. Finally, as discussed in the interview, a definition further limiting the applicant's disclosed "printing system" in the claims could possibly overcome the current 102 rejection in regard to the White reference. However, a further search would have to be conducted accordingly.

HR
5/2/06